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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/931,866	08/20/2001	Yoichi Yamada	Q65778	3777

7590 02/23/2007  
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EXAMINER
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MEI, XU

ART UNIT	PAPER NUMBER
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2615

SHORTENED STATUTORY PERIOD OF RESPONSE	MAIL DATE	DELIVERY MODE
3 MONTHS	02/23/2007	PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

<b>Office Action Summary</b>	<b>Application No.</b>		<b>Applicant(s)</b>	
	09/931,866		YAMADA ET AL.	
	<b>Examiner</b>		<b>Art Unit</b>	
	Xu Mei		2615	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) ☒ Responsive to communication(s) filed on 28 November 2006.
- 2a) ☐ This action is FINAL.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) ☒ Claim(s) 5,6 and 11-14 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 5, 6, 11-14 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All    b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☒ Certified copies of the priority documents have been received in Application No. 08/561,808.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)  | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

**DETAILED ACTION**

1. This communication is responsive to the applicant's amendment dated 11/28/2006.

***Claim Rejections - 35 USC § 112, 2<sup>nd</sup> Paragraph***

2. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

3. Claims 5-6, 12, 11 and 13 rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Regarding claims 5 and 11, it is unclear what is being considered as "a pickup" as recited in the claim. The disclosure only briefly mentioned that "a pickup (not shown) of the CD player is returned from a currently reading position to a previously address position" (see page 14 of the specification), but without any specific detail on what it is and how it is being functioned as claimed.

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The following art rejections are applied from what is best understood of the claims in view of the 112 first and second paragraph problems listed above.

***Claim Rejections - 35 USC § 102***

4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless -

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

5. Claims 5-6 and 11 are rejected under 35 U.S.C. 102(b) as being anticipated by Kutaragi (US-5,257,254).

Regarding claims 5-6 and 11, Kutaragi in Figs. 8-9 of the 4<sup>th</sup> embodiment discloses the claimed invention. A disc player system or a disc player is element 1, and the disc player is clearly usable by a disk (disc) jockey) for music or audio signal processing that is adapted to perform mixing or replay a next piece of music continuously. A mixing apparatus is element 28. A pickup is the optical pickup head of the disc player 1 (col. 17, line 61-62). And the specific control of memory address position for the data according to control signal

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outputted from the mixing apparatus is discussed in col. 15, line 49-col. 19, line 8. A user would have inherently and previously designates the address position of audio data stored in the memory that having specifics such as minute, second and sector in the disc apparatus as disclosed by Kutaragi.

***Claim Rejections - 35 USC § 103***

6. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

7. Claims 12 and 13 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kutaragi in view of Suzuki (US-5,054,077).

Regarding claims 12 and 13, Kutaragi discloses the mixing apparatus that is connectable to a disc/disk player as discussed in claims 5 and 11 above. What does Kutaragi not show is the mixing apparatus having the operating part including an operating knob for adjusting the mixing of the audio signals as claimed. However, utilizing operating knob(s) in an audio

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mixing apparatus for mixing levels control is old and well known in the art. Suzuki discloses a fader device used for an audio mixer including different operating knobs for different channels of audio signals level adjustment as shown in Fig. 1. It would have been obvious to one of ordinary skill in the art to modify the central control apparatus of the mixing apparatus of Kutaragi with the old and well known operating knob(s) for controlling different channels of audio signals level adjustment as shown by Suzuki in order to allow user to conveniently and easily adjusted the different signal output levels for desired audio mixing.

8. Claim 14 is rejected under 35 U.S.C. 103(a) as being unpatentable over Suzuki in view of Kutaragi.

Regarding claim 14, Suzuki discloses a mixing apparatus (see Fig. 1 and its description) operable with first and second audio signals including a single operation member, level adjustment means, means for adding, means for detecting position of the operating member and control means as claimed. What does Suzuki not teach is the mixing apparatus is being connectable to a disk player for mixing audio signal outputted from the disk player. Kutaragi discloses a disk player apparatus including audio mixing capability as discussed in claim 5 above. It would

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have been obvious to one of ordinary skill in the art to combines or connects the mixing apparatus of Suzuki with a disk player apparatus as shown by Kutaragi in order to provided an improved and more accurate audio mixing apparatus for the disk player when desired output audio signals from the disk player is indeed needed for desired audio mixing.

### ***Conclusion***

9. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Marx and Eubanks are made of record here as pertinent art to the claimed invention. Marx and Eubanks disclose different audio mixers for providing desired audio mix.

10. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Xu Mei whose telephone number is 571-272-7523. The examiner can normally be reached on maxi flex.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Vivian Chin can be reached on 571-272-7848. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

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Xu Mei  
Primary Examiner  
Art Unit 2615  
02/14/2007